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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,077	06/21/2001	Kevin Wade Jameson		3816

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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

1. The amendment to the claims, filed on 27 August 2004, does not comply with the requirements of 37 CFR 1.121(c) because the claim status of every claim is not indicated.

Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (*e.g.*, additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of “canceled” or “not entered” may be aggregated into one statement (*e.g.*, Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn—currently amended.”

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it has not been

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changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of “withdrawn” or “previously presented.” Any claim added by amendment must be indicated with the status of “new” and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of “canceled” or “not entered.”

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as “canceled” will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a “new” claim with a new claim number.

Since the reply filed on 27 August 2004 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Pro Se assistance

2. The Examiner recognizes that the applicant is a pro se inventor, and as such, the following explanation is directed to the issue of non-compliance.

37 CFR 1.121(c), as stated above, provides formal guidelines concerning the format of all amendments submitted in response to an official office action issued by the USPTO. As part of the requirements for compliance, all claims in the claim listing must contain a status identifier indicated after its claim number by using one of the following:

- (Original)
- (Currently amended)
- (Canceled)

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- (Withdrawn)
- (Previously presented)
- (New)
- (Not entered)

Example of format of amended claim

For example, as you have amended claim 1 in your proposed amendment, the claim structure meeting the formal requirements for 37 CFR 1.121(c) would appear as such:

“1. (Currently amended) A collection makefile generator process for generating makefiles for collections, to be performed on or with the aid of a computer, comprising the following steps:

- (a) receiving a request to generate a makefile for a collection,
- (b) accessing collection information for said collection, ~~and~~
- (c) classifying said collection information with a collection content classifier means, and
- (e d) generating a makefile for said collection using a collection makefile generator means,

wherein collections are data structures comprised of a collection specifier and collection content containing zero or more collection content files, and wherein a collection specifier contains information about a collection instance, and wherein collection membership information describes collection content,

thereby providing a solution to the collection makefile generator problem, and thereby enabling human programmers to generate collection makefiles in a fully-automated, scalable way that was not previously available.”

Example of format of unamended claim

As another example, claim 2 was not amended, and the claim structure meeting the formal requirements for 37 CFR 1.121(c) would appear as such:

“2. (Original) The process of claim 1, wherein
(a) said step of generating a makefile uses makefile service and makefile fragment template information,

thereby providing a solution to the makefile customization problem, and thereby enabling human programmers to extensively customize the makefile generation process by controlling the information content of fragments used to implement makefile services, in an automated, scalable way that was not previously available.”

Requirement to Submit all Claims

3. A re-submission of **all** claims in a form meeting compliance with 37 CFR 1.121(c) is required.
4. If you have any questions regarding the above matter, please feel free to call the Examiner.

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Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J. Roche whose telephone number is (571)272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2124

TJR



TODD INGBERG
PRIMARY EXAMINER